

Calendar No. 784

110TH CONGRESS
2D SESSION

S. 783

[Report No. 110–352]

To adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 6, 2007

Ms. LANDRIEU introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

JUNE 16, 2008

Reported by Mr. BINGAMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Jean Lafitte National
3 Historical Park and Preserve Boundary Adjustment Act
4 of 2007”.

5 **SEC. 2. JEAN LAFITTE NATIONAL HISTORICAL PARK AND**
6 **PRESERVE BOUNDARY ADJUSTMENT.**

7 (a) IN GENERAL.—Section 901 of the National Parks
8 and Recreation Act of 1978 (16 U.S.C. 230) is amended
9 in the second sentence by striking “of approximately twen-
10 ty thousand acres generally depicted on the map entitled
11 ‘Barataria Marsh Unit-Jean Lafitte National Historical
12 Park and Preserve’ numbered 90,000B and dated April
13 1978,” and inserting “generally depicted on the map enti-
14 tled ‘Boundary Map, Barataria Preserve Unit, Jean La-
15 fitte National Historical Park and Preserve’, numbered
16 _____; and dated _____.”.

17 (b) ACQUISITION OF LAND.—Section 902 of the Na-
18 tional Parks and Recreation Act of 1978 (16 U.S.C. 230a)
19 is amended—

20 (1) in subsection (a)—

21 (A) by striking “(a) Within the” and all
22 that follows through the first sentence and in-
23 serting the following:

24 “(a) IN GENERAL.—

25 “(1) BARATARIA PRESERVE UNIT.—

1 “(A) IN GENERAL.—The Secretary may
 2 acquire any land, water, and interests in land
 3 and water within the area, as depicted on the
 4 map described in section 901, by donation, pur-
 5 chase with donated or appropriated funds,
 6 transfer from any other Federal agency, or ex-
 7 change.

8 “(B) LIMITATIONS.—

9 “(i) IN GENERAL.—Any private land
 10 located in the area, as depicted on the map
 11 described in section 901, may be acquired
 12 by the Secretary only with the consent of
 13 the owner of the land.

14 “(ii) BOUNDARY ADJUSTMENT.—On
 15 the date on which the Secretary, under
 16 subparagraph (A), completes the acquisi-
 17 tion of a parcel of private land located in
 18 the area, as depicted on the map described
 19 in section 901, the boundary of the histor-
 20 ical park and preserve shall be adjusted to
 21 reflect the acquisition.

22 “(iii) JURISDICTION OF NATIONAL
 23 PARK SERVICE.—Any Federal land ac-
 24 quired in the areas shall be transferred

without consideration to the administrative jurisdiction of the National Park Service.

~~“(iv) EASEMENTS.—To ensure adequate hurricane protection of the communities located in the area, any land in the area identified on the map that is acquired or transferred shall be subject to any easements that have been agreed to by the Secretary and the Secretary of the Army.”;~~

(B) in the second sentence, by striking “The Secretary may also” and inserting the following:

~~“(2) FRENCH QUARTER.—The Secretary may”;~~

(C) in the third sentence, by striking “Lands, waters, and interests therein” and inserting the following:

~~“(3) ACQUISITION OF STATE LAND.—Land, water, and interests in land and water”;~~ and

(D) in the fourth sentence, by striking “In acquiring” and inserting the following:

~~“(4) ACQUISITION OF OIL AND GAS RIGHTS.—In acquiring”;~~

(2) by striking subsections (b) through (f) and inserting the following:

1 “(b) **RESOURCE PROTECTION.**—With respect to the
 2 land, water, and interests in land and water of the
 3 Barataria Preserve Unit, the Secretary shall preserve and
 4 protect—

5 “(1) fresh water drainage patterns;

6 “(2) vegetative cover;

7 “(3) the integrity of ecological and biological
 8 systems; and

9 “(4) water and air quality.”; and

10 (3) by redesignating subsection (g) as sub-
 11 section (e).

12 (c) **HUNTING, FISHING, AND TRAPPING.**—Section
 13 905 of the National Parks and Recreation Act of 1978
 14 (16 U.S.C. 230d) is amended in the first sentence by
 15 striking “, except that within the core area and on those
 16 lands acquired by the Secretary pursuant to section 902(c)
 17 of this title, he” and inserting “on land, and interests in
 18 land and water managed by the Secretary, except that the
 19 Secretary”.

20 (d) **ADMINISTRATION.**—Section 906 of the National
 21 Parks and Recreation Act of 1978 (16 U.S.C. 230e) is
 22 amended—

23 (1) by striking the first sentence; and

1 (2) in the second sentence, by striking “Pend-
 2 ing such establishment and thereafter the” and in-
 3 serting “The”.

4 **SEC. 3. REFERENCES IN LAW.**

5 (a) IN GENERAL.—Any reference in a law (including
 6 regulations), map, document, paper, or other record of the
 7 United States—

8 (1) to the Barataria Marsh Unit shall be con-
 9 sidered to be a reference to the Barataria Preserve
 10 Unit; or

11 (2) to the Jean Lafitte National Historical
 12 Park shall be considered to be a reference to the
 13 Jean Lafitte National Historical Park and Preserve.

14 (b) CONFORMING AMENDMENTS.—Title IX of the
 15 National Parks and Recreation Act of 1978 (16 U.S.C.
 16 220 et seq.) is amended—

17 (1) by striking “Barataria Marsh Unit” each
 18 place it appears and inserting “Barataria Preserve
 19 Unit”; and

20 (2) by striking “Jean Lafitte National Histor-
 21 ical Park” each place it appears and inserting “Jean
 22 Lafitte National Historical Park and Preserve”.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Jean Lafitte National*
 3 *Historical Park and Preserve Boundary Adjustment Act of*
 4 *2008”.*

5 **SEC. 2. JEAN LAFITTE NATIONAL HISTORICAL PARK AND**
 6 **PRESERVE BOUNDARY ADJUSTMENT.**

7 (a) *IN GENERAL.*—Section 901 of the National Parks
 8 and Recreation Act of 1978 (16 U.S.C. 230) is amended
 9 in the second sentence by striking “of approximately twenty
 10 thousand acres generally depicted on the map entitled
 11 ‘Barataria Marsh Unit-Jean Lafitte National Historical
 12 Park and Preserve’ numbered 90,000B and dated April
 13 1978,” and inserting “generally depicted on the map enti-
 14 tled ‘Boundary Map, Barataria Preserve Unit, Jean Lafitte
 15 National Historical Park and Preserve’, numbered 467/
 16 80100A, and dated December 2007,”.

17 (b) *ACQUISITION OF LAND.*—Section 902 of the Na-
 18 tional Parks and Recreation Act of 1978 (16 U.S.C. 230a)
 19 is amended—

20 (1) *in subsection (a)*—

21 (A) *by striking “(a) Within the” and all*
 22 *that follows through the first sentence and insert-*
 23 *ing the following:*

24 “(a) *IN GENERAL.*—

25 “(1) *BARATARIA PRESERVE UNIT.*—

1 “(A) *IN GENERAL.*—*The Secretary may ac-*
 2 *quire any land, water, and interests in land and*
 3 *water within the Barataria Preserve Unit by do-*
 4 *nation, purchase with donated or appropriated*
 5 *funds, transfer from any other Federal agency,*
 6 *or exchange.*

7 “(B) *LIMITATIONS.*—

8 “(i) *IN GENERAL.*—*Any non-Federal*
 9 *land depicted on the map described in sec-*
 10 *tion 901 as ‘Lands Proposed for Addition’*
 11 *may be acquired by the Secretary only with*
 12 *the consent of the owner of the land.*

13 “(ii) *BOUNDARY ADJUSTMENT.*—*On*
 14 *the date on which the Secretary acquires a*
 15 *parcel of land described in clause (i), the*
 16 *boundary of the Barataria Preserve Unit*
 17 *shall be adjusted to reflect the acquisition.*

18 “(iii) *JURISDICTION OF NATIONAL*
 19 *PARK SERVICE.*—*Administrative jurisdic-*
 20 *tion over any Federal land within the areas*
 21 *depicted on the map described in section*
 22 *901 as ‘Lands Proposed for Addition’ is*
 23 *transferred, without consideration, to the*
 24 *administrative jurisdiction of the National*

1 *Park Service, to be administered as part of*
 2 *the Barataria Preserve Unit.*

3 “(iv) *EASEMENTS.—To ensure ade-*
 4 *quate hurricane protection of the commu-*
 5 *nities located in the area, any land identi-*
 6 *fied on the map described in section 901*
 7 *that is acquired or transferred shall be sub-*
 8 *ject to any easements that have been agreed*
 9 *to by the Secretary and the Secretary of the*
 10 *Army.”;*

11 *(B) in the second sentence, by striking “The*
 12 *Secretary may also acquire by any of the fore-*
 13 *going methods” and inserting the following:*

14 “(2) *FRENCH QUARTER.—The Secretary may ac-*
 15 *quire by any of the methods referred to in paragraph*
 16 *(1)(A)”;*

17 *(C) in the third sentence, by striking*
 18 *“Lands, waters, and interests therein” and in-*
 19 *serting the following:*

20 “(3) *ACQUISITION OF STATE LAND.—Land,*
 21 *water, and interests in land and water”;* and

22 *(D) in the fourth sentence, by striking “In*
 23 *acquiring” and inserting the following:*

24 “(4) *ACQUISITION OF OIL AND GAS RIGHTS.—In*
 25 *acquiring”;*

1 (2) *by striking subsections (b) through (f) and*
 2 *inserting the following:*

3 “(b) *RESOURCE PROTECTION.*—*With respect to the*
 4 *land, water, and interests in land and water of the*
 5 *Barataria Preserve Unit, the Secretary shall preserve and*
 6 *protect—*

7 “(1) *fresh water drainage patterns;*

8 “(2) *vegetative cover;*

9 “(3) *the integrity of ecological and biological sys-*
 10 *tems; and*

11 “(4) *water and air quality.*

12 “(c) *ADJACENT LAND.*—*With the consent of the owner*
 13 *and the parish governing authority, the Secretary may—*

14 “(1) *acquire land, water, and interests in land*
 15 *and water, by any of the methods referred to in sub-*
 16 *section (a)(1)(A) (including use of appropriations*
 17 *from the Land and Water Conservation Fund); and*

18 “(2) *revise the boundaries of the Barataria Pre-*
 19 *serve Unit to include adjacent land and water.”; and*

20 “(3) *by redesignating subsection (g) as subsection*
 21 *(d).*

22 “(c) *DEFINITION OF IMPROVED PROPERTY.*—*Section*
 23 *903 of the National Parks and Recreation Act of 1978 (16*
 24 *U.S.C. 230b) is amended in the fifth sentence by inserting*

1 “(or January 1, 2007, for areas added to the park after
2 that date)” after “January 1, 1977”.

3 (d) *HUNTING, FISHING, AND TRAPPING*.—Section 905
4 of the National Parks and Recreation Act of 1978 (16
5 U.S.C. 230d) is amended in the first sentence by striking
6 “, except that within the core area and on those lands ac-
7 quired by the Secretary pursuant to section 902(c) of this
8 title, he” and inserting “on land, and interests in land and
9 water managed by the Secretary, except that the Secretary”.

10 (e) *ADMINISTRATION*.—Section 906 of the National
11 Parks and Recreation Act of 1978 (16 U.S.C. 230e) is
12 amended—

13 (1) by striking the first sentence; and

14 (2) in the second sentence, by striking “Pending
15 such establishment and thereafter the” and inserting
16 “The”.

17 **SEC. 3. REFERENCES IN LAW.**

18 (a) *IN GENERAL*.—Any reference in a law (including
19 regulations), map, document, paper, or other record of the
20 United States—

21 (1) to the Barataria Marsh Unit shall be consid-
22 ered to be a reference to the Barataria Preserve Unit;
23 or

1 (2) *to the Jean Lafitte National Historical Park*
2 *shall be considered to be a reference to the Jean La-*
3 *fitte National Historical Park and Preserve.*

4 (b) *CONFORMING AMENDMENTS.—Title IX of the Na-*
5 *tional Parks and Recreation Act of 1978 (16 U.S.C. 230*
6 *et seq.) is amended—*

7 (1) *by striking “Barataria Marsh Unit” each*
8 *place it appears and inserting “Barataria Preserve*
9 *Unit”; and*

10 (2) *by striking “Jean Lafitte National Historical*
11 *Park” each place it appears and inserting “Jean La-*
12 *fitte National Historical Park and Preserve”.*

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Unit of the Jean Lafitte National Historical
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